

REMARKS

Claims 1, 2, 4-17, 19-23, and 26-30 were pending and rejected. In this response, no claim has been added, cancelled or amended. Accordingly, claims 1, 2, 4-17, 19-23, and 26-30 remain pending, and are re-presented for examination and reconsideration.

REJECTIONS UNDER 35 USC §102

Claims 1, 2, 4-17, 19, 20, 22, 23, 26-28, and 30 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zmudzinski et al. (2004101 22949), hereinafter referred to as Zmudzinski. Applicants respectfully traverse the rejection in light of the remarks below. Before doing so, Applicants note for the record that Zmudzinski may not be an eligible prior art, and Applicants hereby explicitly reserve the right, notwithstanding Applicants' traversal below, to subsequently challenge the eligibility of Zmudzinski as proper prior art to the present application.

Claim 1, as previously presented, recites a "method for a client device, comprising:

first requesting, by the client device, a first content from a content provider, including providing a characteristic profile to the content provider, the characteristic profile including one or more characteristics of the client device;

receiving, by the client device, a first reply from the content provider responsive to the first requesting, the first reply including a query for a dynamic characteristic of the client device;

second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query, the query result including the dynamic characteristic; and

second receiving, by the client device, a second reply from the content provider responsive to the second requesting, the second reply including the first content or portion thereof, wherein the first content or portion thereof is determined by the content provider based at least in part on the dynamic characteristic."

Zmudzinski discloses a system and method for browsing on behalf of others. A browsing device sends a content request to a content server, along with a target device profile and a browsing device profile. The content server returns the content customized for the target device based on the target device profile, however, the content may be formatted based on the browsing device profile.

The Office Action cited Zmudzinski Fig. 2 and Paragraphs [0033-0036] to support that Zmudzinski discloses the feature of "second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query, the query result including the dynamic characteristic."

In Fig. 2 of Zmudzinski, the browsing device first sends "content request to content server with browser profile and target devices profile" in block 208. It then receives "(links to) content based on target device profile, but formatted and presented based on browser profile" in block 210. The browsing device enables "user to select content to be uploaded to target device" in block 212, and then send "user's selection of content to content server" in block 214.

Zmudzinski Paragraphs [0033-0036] provide additional examples of Fig. 2. The browsing device 104 may send content server 106 a request on "games that can be played on the target device." The "content that is received from content server 106 to be displayed on browsing device 104 may consist of a Web page comprising several game titles along with descriptions and video previews for each game title, media shots, screen shots, etc. Links to other Web sites may also be displayed. All of the information is formatted and presented using the browser profile." See Zmudzinski, paragraph [0034]. If the user, "after viewing some screen shots and video previews of games," select a game, "the user's content selection is sent to content server 106. In block 216, browsing device 104 receives the selected content, but this time the content is based on the profile of the target device." See Zmudzinski, paragraphs [0035-0036].

However, Zmudzinski fails to disclose the feature of "second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query, the query result including the dynamic characteristic." The above examples clearly illustrate that in Zmudzinski, the second request sent out by the browsing device is based on the content received from the first

request. Therefore, the second requests sent out by the browsing device is not requesting for the same content as the first request. In addition, the content received from the content server for the first request does not include a query for the dynamic characteristic of the browsing device. Consequently, the second request sent by the browsing device does not incorporate any query result that includes the dynamic characteristics of the browsing device.

In contrast, claim 1 clearly recites the feature of "second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query, the query result including the dynamic characteristic." As discussed above, Zmudzinski does not disclose such a feature. Therefore Applicants respectfully submit that Zmudzinski does not anticipate claim 1 and consequently, claim 1 is allowable for at least this reason.

Claims 2, 4-15, 30 depend from claim 1, thereby incorporating the features of claim 1. Therefore, they are allowable for at least the same reason claim 1 is allowable.

Claim 16, 22, 26, and 28 include features similar to those of claim 1. Thus for at least the above stated reason, claims 16, 22, 26, and 28 are allowable.

Claims 17, 19-21, 23, 27, and 29 depend from claims 16, 22, 26, and 28, respectively, thereby incorporating their limitations. Therefore, they are allowable for at least the same reason as discussed above.

REJECTIONS UNDER 35 USC §103

Claims 21 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zmudzinski in view of Hild et al (6,978,373), hereinafter referred to as Hild.

However, Hild does not cure the deficiencies of Zmudzinski. The Applicants respectfully submit that neither Zmudzinski nor Hild, either alone or in combination, disclose, teach or even suggest the feature of "first requesting ... a first content from a content provider ...; second requesting ... the first content from the content provider"

And there is no teaching, suggestion or motivation to indicate that such a feature would be obvious to one skilled in the art at the time the invention was made. Accordingly, claims 16 and 28 remain patentable over Zmudzinski even further in view of Hild. Claims 21 and 29 depend from claims 16 and 28 incorporate their recitations, thus Applicants respectfully submit claims 21 and 29 are allowable for at least for the same reasons stated above.

CONCLUSION

Applicants respectfully assert that claims 1, 2, 4-17, 19-23, and 26-30 are in condition for allowance. Entry of the foregoing is respectfully requested and a Notice of Allowance is earnestly solicited. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
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